

## AUTHORIZING THE CONSTRUCTION OF TEMPERATURE CONTROL DEVICES AT FOLSOM DAM IN CALIFORNIA

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SEPTEMBER 15, 1998.—Committed to the Committee of the Whole House on the  
State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources,  
submitted the following

### REPORT

[To accompany H.R. 4079]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 4079) to authorize the construction of temperature control devices at Folsom Dam in California, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 4079 is to authorize the construction of temperature control devices at Folsom Dam in California.

#### BACKGROUND AND NEED FOR LEGISLATION

The Bureau of Reclamation, based on a regional office understanding of authority to construct, commenced a project for the addition of a temperature control device (TCD) at Folsom Dam near Sacramento, California. Recently, however, the Bureau determined that it must seek Congressional authorization to complete the construction of the TCD. In response to this need, H.R. 4079 was introduced.

The primary purpose of the TCD is to enable water diverted from the dam for municipal purposes to be taken from a location higher in the water column, thereby preserving cool water for fish enhancement purposes. The result would be greater flexibility to make annual releases of cold water into the lower American River. These additional releases of cold water would be especially beneficial to the steelhead and fall-run chinook salmon during the criti-

cal July through October period of the year when water temperatures tend to reach their annual highs.

A second objective of the TCD identified by the Bureau would be to provide regional water purveyors the ability to divert water from lake elevations that would improve their water quality and help increase additional water diversions needed to compensate for new growth. Many municipalities within the area, including the City of Roseville and the City of Folsom, are in the process of renewing their existing water contracts with the Bureau and are dependent on the TCD being constructed to exercise these agreements.

H.R. 4079 authorizes the Secretary of the Interior to construct a TCD in accordance with the draft environmental impact statement/environmental impact report for the Central Valley Supply contracts under Public Law 101-514 (section 206). The TCD and associated temperature monitoring facilities will be operated as an integral part of the Central Valley Project (CVP) for the benefit and propagation of fall-run chinook salmon and steelhead trout in the American River, California. The non-CVP TCD will be operated by non-federal parties at their expense. The bill authorizes appropriation of \$5,000,000 (adjusted for inflation based on October 1997 prices) for the Folsom TCD. The bill also authorizes to be appropriated funding for a non-CVP TCD in the sum of \$2,000,000 (October 1997 prices). Finally, the bill authorizes to be appropriated such amounts as are required for operation, maintenance, and replacement of the TCDs on Folsom Dam and associated temperature monitoring facilities.

#### COMMITTEE ACTION

H.R. 4079 was introduced on June 18, 1998, by Congressman John T. Doolittle (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On July 29, 1998, the Full Resources Committee met to consider H.R. 4079. At that time, the Subcommittee on Water and Power was discharged from further consideration of the bill by unanimous consent. No amendments were offered and the bill was then ordered favorably reported to the House of Representatives by voice vote.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact H.R. 4079.

#### COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 4079. How-

ever, clause 7(d) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

#### COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 4079 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, enactment of H.R. 4079 would decrease direct spending by approximately \$400,000 over the 1999–2003 time period.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 4079.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4079 from the Director of the Congressional Budget Office.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, August 10, 1998.*

Hon. DON YOUNG,  
*Chairman, Committee on Resources,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4079, a bill to authorize the construction of temperature control devices at Folsom Dam in California.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Gary Brown.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

*H.R. 4079—A bill to authorize the construction of temperature control devices at Folsom Dam in California*

Summary: H.R. 4079 would authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to construct devices for controlling and monitoring water temperatures at Folsom Dam and certain nonfederal facilities. Temperature control devices allow water to be diverted from a higher point in the water column of a reservoir, thereby preserving cool water for fish. The bill would authorize the appropriation of \$7 million (in October 1997 dollars) for construction and such sums as necessary for operating, main-

taining, and replacing the devices. A portion of these amounts would be repaid by water and power users in the region.

CBO estimates that implementing H.R. 4079 would result in additional outlays of \$7 million over the 1999–2003 period, assuming the appropriation of the necessary amounts. H.R. 4079 would affect direct spending; therefore, pay-as-you-go procedures would apply. CBO estimates that enacting H.R. 4079 would decrease direct spending by about \$400,000 over the 1999–2003 period. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would have no significant impact on the budgets of state, local, or tribal governments.

**Estimated cost to the Federal Government:** The estimated budgetary impact of H.R. 4079 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

[By fiscal year, in millions of dollars]

	1998	1999	2000	2001	2002	2003
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated authorization level .....	0	7	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )	( <sup>1</sup> )
Estimated outlays .....	0	5	1	1	( <sup>1</sup> )	( <sup>1</sup> )

<sup>1</sup> Less than \$500,000.

**Basis of estimate:** For purposes of this estimate, CBO assumes that the bill will be enacted by the beginning of fiscal year 1999 and that the estimated amounts necessary to implement the bill will be appropriated each year.

**Spending subject to appropriation:** H.R. 4079 would authorize the appropriation of \$5 million for constructing a temperature control device and monitoring apparatus at Folsom Dam and \$2 million for constructing similar mechanisms at nearby nonfederal facilities. Those amount are authorized in October 1997 dollars and may be adjusted to reflect inflation, but such adjustments would not be significant if funds are provided in the next year or two. Based on information provided by the bureau, CBO expects that construction at Folsom Dam would be completed in 1999 and that construction at nonfederal facilities would be completed by 2001, if the necessary appropriations are provided. CBO estimates that the annual cost of operating, maintaining, and replacing these devices over the 1999–2003 period would be negligible.

**Direct spending:** About \$4 million of the cost of constructing the temperature control device and monitoring apparatus at Folsom Dam would be repaid by water and power users. (The costs of devices at nonfederal facilities would not be repaid.) CBO estimates that repayments would total \$140,000 annually over the 2001–2030 period. (Because water and power rates are set one year in advance, there would be a one-year lag between the year the project is completed, 1999, and the year that repayment begins.)

**Pay-as-you-go considerations:** The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. CBO estimates that enacting H.R. 4079 would affect direct spending but that there would be no significant impact in any year. Enacting this legislation would not affect governmental receipts.

Estimated intergovernmental and private sector impact: H.R. 4079 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no significant impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Gary Brown.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

H.R. 4079 contains no unfunded mandates.

CHANGES IN EXISTING LAW

If enacted, H.R. 4079 would make no changes in existing law.

